

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

VINCENZO MAZZAMUTO,  
Plaintiff,

v.

UNUM PROVIDENT  
CORPORATION, et al.,  
Defendants

: CIVIL ACTION  
: NO. 1:CV-01-1157  
:  
:  
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:  
:  
:

JUDGE KANE

FILED  
HARRISBURG, PA

JUL 31 2002

MARY E. D'ANDREA, CLERK  
Per                     


**DEFENDANTS' MOTION FOR**  
**AUTHORIZATION TO EXCEED THE FIFTEEN PAGE LIMITATION**

The Defendants, UNUM Provident Corporation, Paul Revere Life Insurance Company and New York Life Insurance Company ("UNUM") hereby move this Court for permission to file a Brief in Support of Motion for Summary Judgment and a Brief in Support of Motion in Limine that exceeds the fifteen (15) page limit set forth by Local Rule 7.8(b). Counsel for the Defendants has

discussed this matter with counsel for the Plaintiff and he does not object to this Motion. This Motion is necessary because the Motion for Summary Judgment and Motion in Limine involve many complex issues.

Respectfully submitted,

Stevens & Lee

By: 

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Attorneys for Defendants UNUM Provident  
Corporation, Paul Revere Insurance  
Company, and New York Life Insurance  
Company

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

VINCENZO MAZZAMUTO, Plaintiff,	:	CIVIL ACTION
	:	NO. 1:CV-01-1157
	:	
v.	:	
	:	
UNUM PROVIDENT CORPORATION, et al.,	:	JUDGE KANE
Defendants	:	

**DEFENDANTS' BRIEF IN SUPPORT OF MOTION FOR  
PERMISSION TO EXCEED THE FIFTEEN PAGE BRIEF LIMITATION**

**I. INTRODUCTION**

This case involves a claim for breach of contract and bad faith under Pennsylvania law as a result of Defendants', UNUM Provident Corporation, Paul Revere Life Insurance Company and New York Life Insurance Company ("UNUM"), decision to deny a claim for long-term disability benefits under a policy issued to the Plaintiff. The Plaintiff filed a breach of contract claim and a bad faith claim under Pennsylvania law. Defendants intend to move for summary judgment with respect to Plaintiff's claims for bad faith and breach of contract. In addition, the Defendants intend to file a Motion in Limine to preclude the expert testimony of Plaintiff's expert, Gordon K. Rose, C.L.U. and any potential testimony from Dr. Douglas Bower. Although a brief is not required where counsel has concurred in the motion, a very limited statement of the reasons for the request are set forth below. Local Rule 7.5.

## II. ARGUMENT

Local Rule 7.8(b) requires a party to file a motion seeking authorization to exceed the 15-page brief limitation set forth in that Rule. As noted above, counsel for the Plaintiff does not object to Defendant's Motion and, indeed, Defendant has indicated to Plaintiff that they will not object to Plaintiff exceeding the 15-page limitation in any reply to the within motions.

Defendants intend to file a Motion for Summary Judgment in this Matter with respect to Plaintiff's contractual claims and his claim under Pennsylvania's bad faith law. Because the issues are complex, Defendants are requesting that they be allowed to file a brief not to exceed 40 pages. Similarly, Defendants intend to file a Motion in Limine to preclude the testimony of Defendant's expert witness on bad faith, Gordon Rose, C.L.U., and a Motion in Limine to preclude the possible testimony of Dr. Douglas Bower, because he is not qualified to testify nor identified as an expert witness in this case. These issues are complex and Defendants seek permission to file a brief not to exceed 40 pages with respect to this Motion.

### III. CONCLUSION

Based upon the above, the Defendants respectfully request that the Court grant its Motion to exceed the 15-page limit with respect to Defendant's Motion for Summary Judgment and Motion in Limine.

Respectfully Submitted,

STEVENS & LEE

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Attorney I.D. No. 55773  
Kirk L. Wolgemuth  
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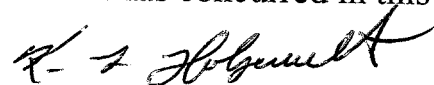
Attorneys for Defendants UNUM Provident Corporation, Paul Revere Insurance Company, and New York Life Insurance Company

**CERTIFICATE OF SERVICE AND CONCURRENCE**

I, KIRK L. WOLGEMUTH, ESQUIRE, certify that on this date, I served a certified true and correct copy of the foregoing Defendants' Motion for Authorization to Exceed the Fifteen Page Limitation and Brief in Support thereof upon the following counsel of record, by depositing the same in the United States mail, postage prepaid, addressed as follows:

Richard C. Angino, Esquire  
4503 North Front Street  
Harrisburg, PA 17110-1708

I also certify that Plaintiff's counsel has concurred in this Motion.

  
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Kirk L. Wolgemuth

Date: July 30, 2002